

Eligibility 101 for Special Education Services

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In 2004, IDEA was re-authorized. As expected there were changes, but the most significant change was in the area of eligibility determination for specific learning disability (SLD). The following is a short primer for parents to help guide them in understanding the changes in SLD eligibility. For specific details access the complete guidelines at

www.schools.utah.gov/sars/manualsglines/pdfs/sld.pdf

NO CHANGE

❖ The 13 areas of eligibility under IDEA, still require the same procedures.

❖ All students being considered for IDEA eligibility must still meet the 3 prong test, best remembered by the following acronym M.A.N.

1. **M**...Does the student **MEET** one of the 13 areas
2. **A**...Does the suspected disability **AFFECT** the students education performance
3. **N**...Does the student **NEED** specialized instruction in order to benefit from his/her education.

❖ The definition of a specific learning disability ***has not*** changed.

❖ There still needs to be a “comprehensive evaluation” regardless of the method identified by the LEA.

❖ The eligibility team still needs to address the “rule outs”

⊠ Most importantly the parent is still an essential member of the eligibility and IEP team.

CHANGE

Specific learning disability (SLD) requires additional information before eligibility can be determined which is data or information from the general education classroom and the student has received appropriate instruction in reading and math.

Also there needs to be data to see how a student responds to scientifically based instructional intervention in the general education classroom known as Response to Intervention (RTI).

The method(s) for determining eligibility has been expanded. A state local education agency (SEA) cannot require a LEA (local education agency) to use a severe discrepancy method, but must permit the use of a response to intervention method.

⊠ A local education agency (LEA) may use one of 3 options determined by the state education agency (SEA) when determining SLD eligibility

1. Use a Response to Intervention (RTI) method

2. Use a severe discrepancy method

OR

3. Use a combination of an RTI and severe discrepancy method.

(As a parent you may ask which method your local education agency (LEA) is using as part of the specific learning disability determination.)

The time line has changed also it is 45 ***school*** days from the date the parent signs the consent to evaluation.

There are a couple of areas of misunderstanding which leads to much frustration on both a parent's part and educators when it comes to instructional interventions or in regards to evaluation. One *misunderstanding* is that a parent can not request a special education evaluation at any point in time during any method i.e. RTI. This is a crucial misunderstanding when a school states they are a school which uses a response to intervention process in general education and RTI is used as part of the SLD eligibility determination. A parents request for a special education evaluation "cannot be denied solely because a student has not completed a set number of interventions or a pre-referral process." (SLD Guidelines, pg.25) ***A parent may request a special education evaluation at any point in time.***

(This request by a parent does not constitute a required evaluation. The LEA still needs to follow the procedural guidelines as outlined in Utah's rules and regulations.)

The second misunderstanding is that RTI data or severe discrepancy data is the only data required when determining eligibility. Each method, RTI or discrepancy, is a part of the determination of eligibility, not the final determinate thus the need for a comprehensive evaluation.

This is a very brief overview of major changes. There are further explanations in the Specific Learning Disabilities Guidelines created by Utah State Office of Education/Special Education Section at www.schools.utah.gov/sars/manualsglines/pdfs/sld.pfd

Additionally each local school district has developed their own special education manual with their procedures and policies.